IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

CRP.No. 1542 of 1997(A)

AGAINST THE ORDER DATED 13/08/1997 IN EP.332/96 IN OP A.72/1987 of I ADDL.SUB COURT,TRIVANDRUM

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REVN. PETITIONER/CLAIMANT/DECREE HOLDER

B. RAMDAS, MANAGING PARTNER,
RAJ ENGINEERING CONTRACTORS,
VAZHUTHACADU, THIRUVANANTHAPURAM

BY ADV. SRI. ALIAS M.M.

RESPONDENTS/RESPONDENT/JUDGMENT DEBTOR:

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1. STATE OF KERALA REPRESENTED BY
ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. SUPERINTENDING ENGIEER (CONSTRUCTION)
LEGISLATURE COMPLEX, TRIVANDRUM.
REPRESENTED BY THE CHIEF ENGINEER,
CONSTRUCTION, LEGISLATURE COMPLEX,
THIRUVANANTHAPURAM

BY GOVERNMENT PLEADER BASANT BALAJI

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.R.P.NO.1542/97

ORDER ON C.M.P.NO.3150/97 IN C.R.P.NO.1542/97
DISMISSED

17.08.2007 SD/- M.N. KRISHNAN, JUDGE.

TRUE COPY

PA TO JUDGE.

M.N. KRISHNAN, J.

C.R.P.NO.1542 OF 1997

DATED THIS THE 17th DAY OF AUGUST, 2007

ORDER

The revision is preferred against the order of the 1st Additional Sub Judge, Thiruvananthapuram, whereby the Court ordered that an amount of Rs.1,82,966.15/- due to the decree holder has been deposited by the judgment debtors on 28.1.97 and it represents the real amount and therefore, E.P. is dismissed.

The original decree of the Court was modified by this Court in the judgment in M.F.A.No.543/1988. As per the judgment, it was held that the decree holder is entitled to interest at the rate of 12% from the date of suit that is, 5.3.1987 till date of decree and at the rate of 6% from the date of decree till realization. There was also a condition in the original decree that the decree holder will be entitled to the final bill amount of Rs.69,779/- provided he pays the dues to the P.H.E. Department. It has been settled. Therefore, the Court found that the said amount also has to be given to him. The amount so due has been fixed and interest has been calculated and figures arrived at and the Court found that the ultimate amount due is Rs.1,82,966.15/- and that the said amount has been deposited on 28.1.97. When it is so, there

is no further amount due and therefore, the order passed by the Subordinate Judge does not suffer from any infirmity and therefore, the Civil Revision Petition is dismissed.

M.N.KRISHNAN, JUDGE

Acd